

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 96-248-W - ORDER NO. 98-251

APRIL 7, 1998

IN RE: Robert B. Rhyne,	)	ORDER
	)	RESCINDING
Complainant,	)	PRIOR ORDERS
	)	
vs.	)	
	)	
Carolina Water Service, Inc.,	)	
	)	
Respondent.	)	
	)	
	)	

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This matter comes before the Public Service Commission of South Carolina (the Commission) on remand from the Circuit Court.

The case started as a complaint matter against Carolina Water Service (CWS or the Company), wherein R.B. Rhyne (Rhyne) requested that this Commission allow him to establish a community water system in territory presently inside that granted to CWS by this Commission, and by York County for service. Rhyne is a developer, and is proposing to establish a subdivision on 187 acres located in York County, South Carolina. CWS initially opposed the request, and suggested that Rhyne run a line some 1.8 miles from CWS' water main to the area of his subdivision. Although the Company stated that running the line should be at Rhyne's expense, it proposed waiving Rhyne's payment of tap fees in an attempt to offset the cost of running the line.

A hearing was held on October 9, 1996, and Commission Order No. 96-804 was issued on November 20, 1996, by which the Commission denied Rhyne's request to install and operate a water system in CWS' service area, but instead required CWS to extend the line from its main to the property and incur the expenses of the construction. Order No. 96-804 stated that collection of tap fees as each lot was developed would offset the expense of construction of the line.

CWS filed with this Commission a Petition for Rehearing or Reconsideration, which was denied by Order No. 97-52, dated January 17, 1997.

Subsequently, CWS filed a Petition for Judicial Review with the Circuit Court. Among other grounds, CWS alleged that the Commission's Orders abrogated certain approved tariff provisions with regard to payment by the customer for extension of lines or mains in order to permit the customer to connect to its water system.

On April 2, 1998, the circuit court issued a Consent Order of Dismissal as to the Petition for Judicial Review. Under the terms of the Order, among other things, this Commission agreed to rescind its prior Orders in this case, and CWS agreed to withdraw its Petition for Judicial Review. The disposition of this matter was not to be construed as an admission by either party.

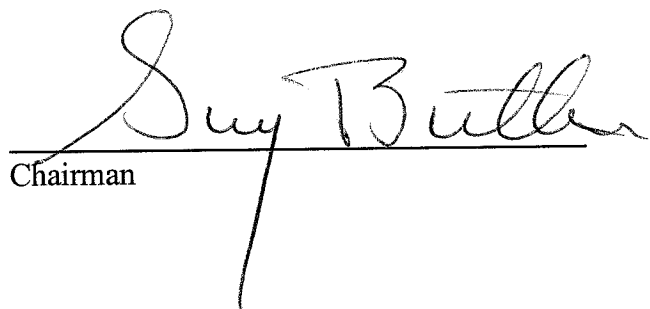
Accordingly, pursuant to S.C. Code Ann. Section 58-5-320 (1976), we hereby rescind our Order Nos. 96-804 and 97-52, and declare that they shall have no precedential effect. Although, pursuant to the terms of the April 2, 1998 circuit court Order, we make no admissions by taking this action, we will state that we are cognizant

of the Company's concerns in this case relative to the application or non-application of the relevant tariff provisions.

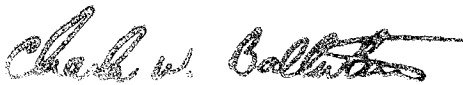
Further, based on Rhyne's testimony at the hearing of October 9, 1996, we hereby hold that Rhyne shall be permitted to seek authority from this Commission to establish a community water system to serve the proposed "Patriots Crossing" subdivision, located on approximately 187 acres of land which is 1.8 miles north of the intersection of South Carolina Highway 274 and South Carolina Highway 49 in northern York County, South Carolina, by filing an Application with this Commission, and furnishing all necessary information for processing of said Application. We will then consider this matter further.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:



Executive Director

(SEAL)